STATE OF MICHIGAN

COURT OF APPEALS

DEBORAH ANN DAVIDSON,

Plaintiff-Appellee,

v

ARDEN LEE DAVIDSON,

Defendant-Appellant.

UNPUBLISHED
July 13, 2001

No. 224343
Calhoun Circuit Court
Family Division
LC No. 99-000942-DO

Before: Saad, P.J., and Holbrook, Jr., and Murphy, JJ.

MEMORANDUM.

Defendant appeals as of right from a default judgment of divorce. We affirm.

On March 18, 1999, plaintiff filed a complaint for divorce. Defendant appeared and answered the complaint. A settlement conference was scheduled for July 13, 1999. The record indicates that notice of the conference was mailed to defendant's counsel. Defendant failed to appear at the conference. On July 26, 1999, the family court entered an order defaulting defendant for that failure. Shortly thereafter, the family court granted defendant's counsel's request to withdraw from the case.

On October 1, 1999, the family court entered a default judgment of divorce. Defendant moved to set aside the default judgment, arguing that he had not received notice of either the settlement conference or entry of the default judgment. The family court denied the motion, stating that defendant's representations that he did not receive notice of various proceedings and was not contacted by his attorney were contradictory to the representations of his former counsel.

A motion to set aside a default or a default judgment is generally to be granted only if the movant shows good cause and files an affidavit of meritorious defense. MCR 2.603(D)(1). Good cause consists of: (1) a procedural defect or irregularity; or (2) a reasonable excuse for the failure to comply with requirements that created the default. *Alken-Ziegler, Inc v Waterbury Headers Corp*, 461 Mich 219, 233; 600 NW2d 638 (1999). The failure to give the required notice of entry of default or a default judgment constitutes good cause. *Bradley v Fulgham*, 200 Mich App 156, 158-159; 503 NW2d 714 (1993). An affidavit of meritorious defense need not be filed when the basis for moving to set aside a default is grounded in the failure to give proper notice of the request for a default judgment. *Perry v Perry*, 176 Mich App 762, 769-770; 440 NW2d 93 (1989). We review a decision on a motion to set aside a default or a default judgment

for an abuse of discretion. *Park v American Casualty Ins Co*, 219 Mich App 62, 66; 555 NW2d 720 (1996).

Defendant argues that the family court abused its discretion by denying his motion to set aside the default judgment. We disagree, and affirm the judgment. Defendant's assertions that he was not notified of the settlement conference and that he was not represented at the settlement conference are directly contradicted by affidavits from plaintiff and defendant's former counsel. The family court's docket entries indicate that relevant notices, including notice of the settlement conference and notice of entry of the default judgment, were mailed to all parties. An item properly addressed and placed in the mail is presumed to have reached its destination. *Crawford v State of Michigan*, 208 Mich App 117, 121; 527 NW2d 30 (1994). Defendant's assertion that he did not receive notice of entry of the default judgment was wholly unsubstantiated. Defendant failed to demonstrate good cause, *Bradley*, *supra*. The family court did not abuse its discretion by denying defendant's motion to set aside the default judgment.

Affirmed.

/s/ Henry William Saad
/s/ Donald E. Holbrook, Jr.
/s/ William B. Murphy